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C O N F I D E N T I A L SECTION 01 OF 06 STATE 157672

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SUBJECT: OSCE MADRID MINISTERIAL - DEMARCHE REQUEST

Classified By: PDAS Kurt Volker, Reasons 1.4 (b) and (d).

SUMMARY AND ACTION REQUEST

¶1. (SBU) This is an action request. The OSCE Ministerial will take place in Madrid 29-30 November. Posts are requested to engage host country officials to garner support for U.S. objectives at the Ministerial. Background information and talking points are provided below. Info addressees are welcome to use these demarche points as well if posts believe doing so would be useful in their engagement on OSCE issues with their host governments.

General Background

¶2. (C) As in previous years, this year's OSCE Ministerial has the potential of being difficult and contentious, given Russia's views on a number of key issues and on the OSCE's future direction. We are concerned by several of Russia's proposals to "reform" the OSCE, in general, and the Office of Democratic Institutions and Human Rights (ODIHR), in particular. Russia believes that ODIHR played a prominent role in abetting the "color revolutions" in Georgia, Ukraine and Kyrgyzstan. Moscow's proposals would undermine ODIHR's independence and influence in the region; several of the CIS states are allied with Russia on this approach.

¶3. (C) The OSCE is one of the key elements of USG efforts to promote democracy and defend fundamental human rights across the OSCE area. The OSCE also plays a critical role in enhancing regional security, including in Kosovo. It is therefore important for the United States and its allies to protect the OSCE and ODIHR. Russia's efforts would have the effect of crippling them and would call into question core OSCE commitments in the realms of democracy, human rights and fundamental freedoms.

¶4. The U.S. wants to assure the continued functioning of the

OSCE Mission in Kosovo, while, at the same time, seeking the closure (or at least substantial reduction) of the mission in Croatia and reductions in the other Balkans missions. We support developing further programs in Central Asia. We also want the OSCE to become engaged in developing projects on border security management on Afghanistan's border with Central Asia, while not undercutting OSCE's core missions in participating States. Other areas of U.S. interest will be securing ministerial decisions in the areas of human rights and democracy, tolerance, counter-terrorism, and trafficking in persons for labor exploitation. We also want to use the Ministerial to highlight the continuing importance of the CFE regime in the face of Russia's threat to suspend participation.

15. (C) Despite our differences, Russia is working cooperatively with us on several issues, including negotiations on Nagorno-Karabakh, border security in Central Asia and Afghanistan, combating trafficking in persons, combating sexual exploitation of children, and creating public-private partnerships to combat terrorism.

16. (C) One of the most sensitive issues facing the Ministerial will be the selection of the future chairs in office of the organization for 2009, 2010, and 2011. Due to ongoing and fluid negotiations, the final decisions likely will be delayed until the ministerial itself.

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U.S. Agenda for Madrid

17. (U) Talking Points:

-- Despite many challenges, we are looking forward to what we hope will be a successful ministerial.

-- The U.S. would like to see the adoption of several human dimension decisions, including decisions on human rights defenders, tolerance and nondiscrimination, combating trafficking in persons for labor purposes, and combating child sexual exploitation over the Internet.

-- We look forward to a positive decision to begin OSCE engagement with Afghanistan, to enhance border security there.

-- We believe there will be consensus on a statement on continuing progress through the OSCE Minsk Group on peace negotiations in Nagorno-Karabakh and on creating public-private partnerships to combat terrorism, among others.

-- Regarding Kosovo, we hope that the Ministerial will give impetus to renewal of the OMIK mandate.

Central Asia and Afghanistan

18. (U) The OSCE should be prepared to devote more resources to the Central Asian region in areas such as customs and border security and play a role in stabilizing Afghanistan, an OSCE partner state. In the past, the OSCE has sent a support team to Afghanistan and has done some limited training of Afghan officials. The United States supports broadening this engagement, and is particularly interested in helping to develop border security management projects along Afghanistan's borders with its northern neighbors.

Talking points:

-- Since their independence in 1991, the OSCE has played a vital role in advancing freedom and democracy in all five

Central Asian nations.

-- The OSCE has an opportunity in Central Asia to increase its influence. Central Asian leaders have expressed interest in working more closely with the OSCE on a range of issues.

-- OSCE work in policing, customs reform, and border security is critical to improving the daily lives of Central Asians and the security of Europe. It is important for OSCE credibility that all member states provide technical experts, seconded staff and support these security projects financially through voluntary contributions.

-- The OSCE's most important assets in Central Asia are its institutions and field offices in all five Central Asian capitals. The United States strongly supports OSCE field work, which is critical to promoting OSCE commitments and resists calls to weaken the mandate of OSCE institutions and field offices.

-- Russian efforts undermining the role of ODIHR have particularly negative consequences in Central Asia.

-- Afghanistan has appealed to the OSCE for assistance.

-- The United States supports a draft decision expressing the OSCE's commitment to Afghanistan.

-- The OSCE could add value especially in the area of border security and management and customs training for border

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guards and customs officials.

-- The OSCE should undertake work on a modest scale, concentrating on Afghanistan's northern boundaries that directly border OSCE participating States.

-- Any OSCE involvement in Afghanistan's border management and security will require intensified cooperation with Central Asian states.

-- The Central Asian region needs focused projects, increased attention and support to meet the Central Asian governments' repeated requests for technical assistance on border security, counterterrorism and trafficking interdiction.

-- There should be a robust mix, with increases in of all three OSCE dimensions (Security, Economy and Environment, and Human) in order to have maximum effectiveness.

Balkan Challenges

19. (U) The single most important challenge for the OSCE in the Balkans will be to maintain the Mission in Kosovo (OMiK).

Nearly 20% of total OSCE resources are devoted to its efforts in Kosovo. Russia and Serbia have threatened to close the mission in the event of a unilateral declaration of independence. This would be a significant loss for Kosovo, and could put additional pressure on the other missions in the region. The U.S. supports maintaining the mission in Kosovo, no matter the outcome of the negotiations between Belgrade and Pristina. In the other Balkan countries, the United States believes that the missions could be downsized, and, in the case of Croatia, closed.

Talking points:

-- Russia and Serbia have said they will force closure of the OSCE Mission in Kosovo in the event of a unilateral declaration of independence by Kosovo.

-- We believe it would be a mistake to close the mission.

-- OMiK is the single most important guarantor of minority rights in Kosovo. Closing the mission will weaken the security of Serbian minority communities in Kosovo.

-- Regardless of the outcome of the current talks, the international community will expect OMiK to assist in the monitoring necessary for successful implementation of a settlement. No other international organization is prepared to replace the mission's extensive field presence if OMiK is shut down.

-- The United States supports an early decision to extend the mission mandate in Kosovo so that the mandate does not become the victim of political posturing.

-- The general political situation in the Balkans has improved to the extent that we believe it is time to seek cuts in the other OSCE missions of the region.

-- The mission to Croatia in particular is one of the OSCE's success stories. It is time to close or substantially minimize the mission now. It is no longer needed.

-- There are other mechanisms to follow the few outstanding issues (refugee returns and war crimes trial monitoring) of the Croatian mission's mandate. We are willing to discuss such mechanisms.

CFE

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¶10. (U) Russia has issued a Presidential decree that is receiving wide support in the Duma to suspend on December 12 its implementation of the CFE Treaty. Although Russia left open the possibility of not suspending its CFE implementation on December 12 should steps be taken to resolve its concerns, comments made by various Russian officials, including FM Lavrov, all point to suspension on December 12, while leaving the door open to continued efforts after that date to resolve Russian concerns.

Talking points:

-- The U.S. and our Allies see the CFE Treaty regime as a cornerstone of European security.

-- The Russian announcement that it would suspend its participation in the Treaty on Conventional Armed Forces in Europe continues to be a source of concern to us and our Allies. It is of interest not only to other Treaty signatories, but OSCE participating States overall.

-- CFE is the most successful arms control regime of its kind, providing unprecedented transparency regarding States Parties' military forces. This is a regime that benefits all the members of the OSCE.

-- The United States has held several rounds of discussions with our Russian counterparts in an effort to seek a creative, practical approach that will help preserve this vital agreement. To move ahead, we must work together to make progress on the issues of concern to both sides. NATO countries are ready to move ahead swiftly on ratification of the Adapted CFE Treaty in the context of an agreement with Russia that addresses key concerns of all Treaty parties, including Georgia and Moldova.

-- The package plan we have proposed has the support of NATO Allies and other CFE States Parties, and we plan to continue to engage Russia in discussions to achieve positive results. Russian suspension can only complicate our efforts to reach agreement.

-- We want to work with Russia on their stated concerns about

CFE in a way that preserves the CFE Treaty as adapted and initialed in 1999 in Istanbul, and allows it to be ratified by all States Parties, but we also remain committed to seeing Russia fulfill remaining Istanbul commitments regarding its forces in Moldova and Georgia.

-- We hope ultimately to find a way forward that ensures the long-term integrity of the CFE Treaty.

Ministerial Declaration and
Separatist Conflicts

¶11. (U) The issue of Russia's failure to meet its Istanbul Commitments (to remove Russian troops from Moldova and Georgia) has thwarted adoption of a Ministerial Declaration the last four OSCE Ministerials. The same issue has blocked agreement in most attempts to negotiate regional statements on Georgia and Moldova. We are working with Russia on a way forward on CFE, so it may be possible this year to negotiate a Ministerial Declaration and regional statements. We believe that it will be an important sign of our commitment to this organization to press ahead with these negotiations in good faith.

Talking points:

-- There has not been a Ministerial Declaration for four years. Russia's non-compliance with its Istanbul commitments has blocked consensus in each case.

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-- This situation has also blocked agreement on regional statements (except in 2005, where we agreed on a Georgia statement).

-- The United States believes that the chances for success this year will be greater if our ongoing discussions with Russia on CFE reach fruition.

-- All participating States should work to negotiate a Ministerial Declaration in Madrid.

-- Even if no statement can ultimately be agreed, we see the process of negotiating a Declaration (and regional statements) as important in itself, as it helps the participating states recommit to the core values of the organization, and also puts national positions clearly on the table.

Russian Proposals

¶12. (U) Russia has over the last few years has put forward a series of proposals in name of reforming and strengthening the OSCE. Most of Russia's proposed reforms, however, would have the effect of weakening the OSCE and, especially, ODIHR.

This year Russia has tabled draft decisions on election monitoring and NGO participation in OSCE events, both of which try to roll back gains made in these areas in the past 15 years. Russia has also argued that the OSCE needs a charter, and is making support for a charter a condition of its approving a draft convention granting the OSCE legal personality and privileges and immunities which enjoys widespread support.

Talking points: (Note: The Department leaves it to Embassy Moscow to decide whether to deliver an adapted version of these points.)

-- The U.S. hopes that this year's OSCE Ministerial can be an effective one in preserving and promoting OSCE's key institutions and values, in particular as regards ODIHR and the promotion of democracy across the OSCE area.

-- For example, we are looking forward to working with Russia in several areas during this ministerial. We believe Russia will join consensus on a statement on continuing progress through the OSCE Minsk Group on peace negotiations in Nagorno-Karabakh, on border security in Central Asia and Afghanistan, combating trafficking in persons and combating sexual exploitation of children and creating public-private partnerships to combat terrorism, among others.

-- Following on to the successful Public-Private-Partnership (PPP) Conference in May, we can support continued counterterrorism cooperation with Russia via an OSCE expert-level PPP dialogue aimed at enhancing critical infrastructure protection in 2008.

-- However, Russia has made several "reform" proposals that we feel will weaken, not strengthen, the OSCE. These proposals are an attack on the core values and commitments of the OSCE.

-- Russia's proposed reform of ODIHR's election monitoring practices would seriously hamper ODIHR's ability to conduct objective and useful monitoring. ODIHR is widely known as the gold standard in election monitoring. We do not need to fix what is not broken.

-- Likewise, Russia's intention to table proposals to regulate the participation of NGOs in OSCE meetings is concerning. The OSCE has longstanding, appropriate procedures for NGO access and participation that should be

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preserved.

-- The lengthy discussion on reform in the OSCE came to a conclusion in 2006. We need to move forward to more substantive issues.

-- The OSCE does not need a charter to address the functioning or the principles of the organization. The structures and rules of the OSCE have been developed over the past 15 years, work well and are fully understood by participating states.

-- Whatever value a charter might have had when the OSCE was formed, it is entirely unnecessary at this point. Opening negotiations on a charter would simply give an opportunity for those who desire to revisit) and unravel) the OSCE "acquis" (the accumulation of decisions and statements made by consensus in the OSCE over the years).

-- Adoption of any charter at this time would be inherently problematic. It would be impossible to fully and accurately capture the acquis in a single, short document, and the legally-binding nature of a charter would necessarily downgrade the status of the body of politically-binding commitments comprising the acquis.

-- Although we did not think such a convention was necessary, the U.S. already has significantly modified its position by agreeing to the wish of many other participating States to negotiate a convention text on privileges and immunities which would create a legal personality for the OSCE, and would adequately protect the OSCE and its personnel.

-- When we agreed to this approach, we and others made clear we were not prepared to discuss a charter. The Brussels ministerial agreed on a mandate confined to the package of legal personality, legal capacity and privileges and immunities which participating states have considered desirable since 1993; only Russia argued for a charter. Russia is now, however, holding up final agreement on this convention while it insists that the other participating states agree to a charter.

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